

REMARKS

This amendment is being submitted for reexamination after final rejection as a result of the vagueness of the Examiner's earlier objections, his failure to return Applicant's many telephone calls aimed at clarifying such objections, and what appears to be a lack of familiarity on his part with stoichiometric principles. Applicant submits that these are good and sufficient reasons for reconsideration of this application. under CFR. 1.116c.

The essence of this invention resides in the unexpected effectiveness of the spinels of the invention in accelerating aging of wine. Examiner's rejection in the first office action questioned the lower limit of 30% by weight of trivalent iron in the formula AB_2O_4 . ..

In the second office action, the Examiner rejected claims based on molecular weights used to calculate weight percentages. The Examiner then asserted that the aging wine with spinels is inherent. Applicant submits that, with the advantage of hindsight, such assertion is incorrect.

For several months, Applicant sought clarification of Examiner's basis for the rejection., but telephone calls were not answered. Finally, in a telephone interview, the Examiner insisted on a limitation in claim 1 of 30 %by weight of trivalent iron, Fe^{+++} , based on the calculated molecular weight off the spinel. That appeared to be the only outstanding issue. Applicant amended claim 1 according to this understanding. The amended claims again were rejected.

After advisory action and many phone calls from the Applicant, Applicant finally found that the compositions of four species of the cited reference (4,403,060) were the issue.

According, Applicant submits this amendment showing the merit of the invention as claimed, in that no other patent was found in the same compound as claimed to give such unexpected result. It is submitted that all compound has its hidden properties based on which various products can only be invented by one skilled in the art. Now the application has been amended to a spinel of a composition different from that off the reference. No new matter has been added. The new amended claim does not require a new search based on the fact that only one reference was found.

The Examiner's apparent lack of background in chemistry led him to blindly reject claims without rational explanation of the basis for rejection. Due to the misunderstanding or rather unfamiliar of the chemical field of the invention, the Examiner rejected many points with a shotgun approach. As a result, applicant could not understand Examiner's point and was unable to reach the examiner. Applicant is now able to amend claim 1 to the correct form as

Examiner indicated. A special consideration and entering the claims is requested, since the merit of the application is fully illustrated, the application is in condition for allowance. An early reply is appreciated.

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Respectfully submitted

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